UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/328,657	06/09/1999	YURI BREITBART	BREITBART3-1	7109

7590 12/01/2004

GREGORY S BERNABEO
SYNNESTVEDT & LECHNER LLP
ARAMARK TOWER, SUITE 2600
1101 MARKET STREET
PHILADELPHIA, PA 19107-2950

EXAMINER	
NAJJAR, SALEH	
ART UNIT	**PAPER NUMBER**
2157	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/328,657	BREITBART ET AL.	
	Examiner	Art Unit	
	Saleh Najjar	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 August 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26 and 33-36* is/are rejected.

7)☒ Claim(s) *27-32* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. This action is responsive to the amendment filed on August 11, 2004. Claims 1, 6, 10, 14, 16, and 22 were amended. Claims 1-36 are pending. Claims 1-36 represent method and apparatus for managing address translations for replicated files in a network.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 6-9, it is unclear how the parent file is modified to include the links or references in response to a user's selection of a link since the link is associated with a reference contained in a parent file stated in claim 1.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 5-6, 10, 14, 22, 23, and 33-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Martin et al., U.S. Patent No. 6,457,060.

Martin teaches the invention as claimed including a method and system for flexibly linking to remotely located content on a network through the use of aliases (see abstract).

As to claim 1, Martin teaches a method of communication between a client computer and a server computer to receive a desired file in response to a user's selection of a hyperlink displayed by a browser, the server computer being connected to the client computer by a communications network, the method comprising the steps of (see figs. 1-6; col. 5-6):

(a) receiving, at the client, the user's selection of a hyperlink displayed by a browser, being associated with a logical reference contained in a parent file (alias table), the parent file having been interpreted by the browser to display the hyperlink, the logical reference uniquely identifying the desired file independently of an electronic address at which the file is located (see figs. 1-3; col. 6, lines 1-60, Martin teaches that an alias information file is downloaded in response to the client selecting a reference link);

(b) identifying an electronic address corresponding to the logical reference; and

(c) receiving, at the client, the file identified by the logical reference (see col. 7, lines 50-60; col. 8, lines 1-65, Martin discloses that a physical address is resolved in response to client selection of a logical reference).

As to claim 2, Martin teaches method of claim 1, wherein the identifying step is performed at the client by reference to a list of physical references at the client, the list of physical references identifying a plurality of electronic addresses corresponding to the logical reference (see col. 8, lines 10-40, Martin discloses that alias table contains mappings between logical/alias addresses and physical addresses).

As to claims 5-6, Martin teaches the method of claim 2, wherein the list of physical references is appended to the parent file and wherein the server modifies the parent file to include the list of physical references before transmitting the mapping table to the client, responsive to the selection of the hyperlink (See col. 8, lines 1-40).

As to claim 10, Martin teaches a method of communication between a client computer and a server computer to receive a parent file (alias information file) in response to a user's selection of a hyperlink displayed by a browser, the server computer being connected to the client computer by a communications network, the method comprising the steps of:

(a) receiving, at the server, a request for transfer to a client of the parent file containing a logical reference (alias) uniquely identifying a desired file independently of a network address, the request being in the form of a physical reference (see col. 8, lines 1-40, Martin discloses that a alias information file is downloaded to the client in response to a client selected hyperlink or URL);

(b) modifying the parent file, at the sewer, by inserting therein a list of physical references corresponding to each logical reference, and (c) transmitting, from the server to the client, the modified parent file (alias information file) (see col. 8, Martin discloses that the alias information file is dynamically modified by the server based on the client ID).

Claims 14, and 22 do not teach or define any new limitations above claims 1, 2, 5-6, 10 and therefore are rejected for similar reasons.

As t claim 23, Martin teaches the system of claim 22, wherein the server stores in the memory a replication directory associating logical references to files with electronic addresses of the files stored on a plurality of servers, the list of electronic addresses being excerpted from the replication directory (see col. 9-10).

Claims 33-36 do not teach or define any new limitations above claims 1-2, 5-6, 10, 14, 22, 23 and therefore are rejected for similar reasons.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CAR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 3-4, 7-9, 11-13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Factor, U.S. Patent No. 6,272,523 (previously cited in an earlier office action on FORM PTO-892).

Martin teaches the invention substantially as claimed including a method and system for flexibly linking to remotely located content on a network through the use of aliases (see abstract).

As to claim 3, Martin teaches the method of claim 2, wherein the identifying step is performed at the client by a program for selecting a server.

Martin fails to teach the claimed limitation of (d) receiving at the client the program for selecting a server further comprising the step of: (e) receiving at the client a mapping table containing the logical point of access; wherein step (d) is performed during step (e); and step (e) is performed before step (a).

However, Factor teaches receiving at the client the program for selecting a server (see col. 6, lines 30-50, Factor discloses that a mapping function is downloaded to the client everytime the client initially contacts a site).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Martin by specifying the program for selecting a server as taught by Factor. One would be motivated to do so to automate the address mapping functionality.

As to claims 7-9, Factor teaches the method of claim 6, wherein the server transmits the program for selecting a server to the client, wherein the server modifies the mapping table to include the server selection program, wherein the server computer

modifies the mapping to include a reference to the server selection program before transmitting the mapping table to the client (see 6, lines 30-45, Factor discloses that upon each connection to a web site, a selection function in the form of a java applet is downloaded to the client for dynamically choosing the corresponding physical address).

Claims 7-9, 11-13, and 15 do not teach or define any new limitation above claims 3-4, and therefore are rejected for similar reasons.

7. Claims 16-19, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Factor, further in view of Guenthner et al., U.S. Patent No. 6,134,588.

Martin teaches the invention substantially as claimed including a method and system for flexibly linking to remotely located content on a network through the use of aliases (see abstract).

As to claim 16, Factor teaches the client computer comprising:

a memory for storing programs and data; a processor for executing programs; a parent file (alias information file), stored in the memory and interpretable to display a hyperlink, the parent containing a logical reference uniquely identifying a desired file independently of an electronic address at which the desired file is located located (see figs. 1-3; col. 6, lines 1-60, Martin teaches that an alias information file is downloaded in response to the client selecting a reference link);

a list of physical references, stored in the memory, listing at least one electronic address for each logical reference in the parent file (see col. 6-7, Martin discloses that an alias information file is dynamically created based on the client ID which maps logical addresses to physical addresses); and

Martin does not explicitly teach the limitation of a program, stored in the memory, for selecting a server responsive to a request for the file identified by the logical reference, the program requesting the file using an electronic address from the list indicating the file's location on the selected server.

However, Factor teaches a program, stored in the memory, for selecting a server responsive to a request for the file identified by the logical reference, the program requesting the file using an electronic address from the list indicating the file's location on the selected server (see figs. 1-6; col. 6, lines 20-60, Factor discloses that when a web site is contacted, a web selection function is downloaded to the client that includes a mapping table that is interpreted by the browser to display logical addresses of a physical process).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Martin by specifying the program for selecting a server as taught by Factor. One would be motivated to do so to automate the address mapping functionality.

Martin fails to teach the claimed limitation of "repeatedly select an alternate server and submit an alternate request if the file is irretrievable from the selected server until the file is transmitted to the client or until the file has been requested from all servers identified in the list".

However, Guenthner teaches a system including generation of smart HTML anchors in dynamic web page creation (see abstract). Guenthner teaches repeatedly selecting an alternate server and submit an alternate request if the file is irretrievable from the selected server until the file is transmitted to the client or until the file has been requested from all servers identified in the list (see col. 9, lines 10-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Martin in view of Guenthner so that all physical addresses are selected repeatedly until the file is retrieved. One would be motivated to do so to provide improved server availability.

As to claim 17, Martin teaches the client of claim 16.

Martin fails to teach the limitation wherein the server selection program selects a server, which is most likely to provide a fastest response time.

However, Factor teaches server that the selection program selects a server, which is most likely to provide a fastest response time (see col. 5-7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Martin by specifying the program for selecting a server with fastest response time as taught by Factor. One would be motivated to do so to implement load balancing address mapping functionality at the client.

As to claim 18, Martin teaches the client of claim 17.

Martin fails to teach the limitation wherein the server selection program selects an alternate server, which is most likely to provide a next-fastest response time, if the first selected server fails to begin transmission of the requested file to the client within a predetermined amount of time.

However, Guenthner teaches a system including generation of smart HTML anchors in dynamic web page creation (see abstract). Guenthner teaches selecting an alternate server which is most likely to provide a next-fastest response time, if the first selected server fails to begin transmission of the requested file to the client within a predetermined amount of time (see col. 7-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Martin in view of Guenthner so that alternate severs expected to provide a next fastest response time if the first selected server fails. One would be motivated to do so to provide improved server availability.

As to claim 19, Martin fails to teach the claimed wherein the program for selecting a server is comprises an instructional applet written in the Java programming language.

However, Factor teaches receiving at the client the program for selecting a server wherein the program for selecting a server is comprises an instructional applet written in the Java programming language (see col. 6, lines 30-50, Factor discloses that a mapping function is downloaded to the client everytime the client initially contacts a site).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Martin by specifying the program for selecting a server as taught by Factor. One would be motivated to do so to automate the address mapping functionality.

Claims 24-26 do not teach or define any new limitations above claims 16-19 and therefore are rejected for similar reasons.

8. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Factor in view of Guenthner further in view of Douglas, U.S. Patent No. 6,684,332.

Martin teaches the invention substantially as claimed including a method and system for flexibly linking to remotely located content on a network through the use of aliases (see abstract).

As to claim 20, Martin teaches the client of claim 19.

Martin fails to teach the limitation wherein the applet employs object-signing technology to open connections to various servers and to save its state on a storage device on the client.

However, Douglas teaches a method and system for the exchange of digitally signed objects over an insecure network (see abstract). Douglas teaches java applications employing object-signing technology to open connections to various servers and to save its state on a storage device on the client (see figs. 1-8; col. 3-5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Martin by employing object-signing technology to open connections to various servers and to save its state on a storage device on the client. One would be motivated to do so to automate the authorization routine at the client.

As to claim 21, Martin teaches the client of claim 20.

Martin fails to teach the limitation wherein the server selection program determines a server's expected response time on the basis of the server's times for response to past requests from the server selection program.

However, Guenthner teaches a system including generation of smart HTML anchors in dynamic web page creation (see abstract). Guenthner teaches determining a server's expected response time on the basis of the server's times for response to past requests from the server selection program (see col. 7, lines 25- col. 8, line 15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Martin in view of Guenthner so that the server's expected response time is determined on the basis of the server's times for response to past requests from the server selection program. One would be motivated to do so to provide improved server response time.

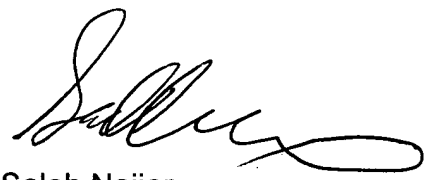
9. Claims 27-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (571)272-4006. The examiner can normally be reached on Monday.- Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Saleh Najjar

Primary Examiner / Art Unit 2157